

MINUTES OF THE STANDING COMMITTEE ON AGRICULTURE

Wednesday, May 9, 2007

2:55 p.m.

Room 307 House Office Building, Lansing

Representative Mayes, Chair, called the meeting to order.

MEMBERS PRESENT: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (10/11)

ABSENT/EXCUSED: Representative Meekhof. (1/11)

Representative Ball made a motion to adopt the minutes of the meeting of May 8, 2007. No objections being offered, a unanimous ballot was cast to accept the minutes as presented.

Representative Nitz made a motion to excuse absent members. No objections being offered, absent members were excused.

Chair Mayes laid the following bills before the Committee.

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|---------|-----------|--|
| HB 4641 | Accavitti | Drains; drain commissioners; county board of commissioners to change name of office of county drain commissioner to office of the water resources commissioner; authorize and increase amount of bond. |
| HB 4642 | Mayes | Drains; other; definition of the term "visibly in existence"; provide for |
| HB 4643 | Donigan | Drains; districts; liability for certain legal expenses of a drainage district; clarify. |
| HB 4644 | Accavitti | Drains; other; enforcement power for removing obstructions or interferences with drains; increase. |
| HB 4688 | Nitz | Drains; maintenance and improvement; amount that drain commissioner can spend on maintenance of a drain; increase. |

Representative Accavitti outlined the provisions of the bills for Committee members.

Representative Nitz spoke to the Committee regarding HB 4688.

Joseph Rivet, Bay County Drain Commissioner, reviewed various aspects of the bills with the Committee.

Representative Nitz introduced Roger Zilke, Berrien County Drain Commissioner, and Jeff Van Belle, Cass County Drain Commissioner. Mr. Zilke and Mr. Van Belle spoke in support HB 4688.

Lisa McGraw, representing the Michigan Press, spoke to the Committee regarding HB 4688.

Ed Noyola, representing the County Road Association of Michigan, spoke in opposition to HB 4644 and HB 4688.

Ben Bodkin, representing the Michigan Association of Counties, submitted a card in support of HB 4643 and HB 4688.

Doug Merriman, representing the Michigan Association of Realtors, submitted a card indicating a neutral position on HB 4641-4644 and HB 4688.

William Bishop of Reading, Michigan, spoke in opposition to HB 4642.

James Clift, representing the Michigan Environmental Council, spoke to the Committee in opposition to HB 4642 and HB 4688.

Cindi Roper, representing Clean Water Action, spoke in opposition to HB 4641-4644 and HB 4688.

Susan Julian, representing the Michigan Drain Code Coalition, spoke in opposition to HB 4641-4644 and HB 4688.

Liesl Eichler-Clark and Mike Gregg, representing the Michigan Department of Agriculture, submitted a card indicating the following: neutral on HB 4641; support for HB 4642 and HB 4643; support (if amended) for HB 4644; support for HB 4688.

Terry Guerin, representing the Michigan State Chamber of Commerce, the Michigan Manufacturers Association, and the Michigan Waste Industries Association, submitted a card in opposition to the bills.

Bill McMaster, representing the Taxpayers United Michigan Foundation, spoke in opposition to the bills.

Gayle Miller, representing the Sierra Club, spoke in opposition to the bills.

Tonia Ritter, representing the Michigan Farm Bureau, indicated a neutral position on HB 4641-4644 and support for HB 4688.

Joe Colaianne, Oakland County Drain Commissioner, spoke in support of HB 4641-4644 and HB 4688.

Bill Anderson, representing the Michigan Townships Association, spoke in opposition to HB 4642, HB 4643 and HB 4688.

Subsequent to testimony, Chair Mayes stated that the Committee would stand at ease at 4:40 p.m. The Chair reconvened the meeting at 4:42 p.m. and announced voting would take place on amendments and the bills before the Committee.

Representative Kathleen Law made a motion to amend HB 4641 as follows:

1. Amend page 4, line 1, after "(7)," by inserting **"IF A DRAIN COMMISSIONER PERFORMS FUNCTIONS OTHER THAN ACTING AS A DRAIN COMMISSIONER UNDER THIS ACT,"**.

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (10/11)

Nays: None. (0/11)

Pass: None. (0/11) (10/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Byrum made a motion to report HB 4641 (H-1) with recommendation.

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (10/11)

Nays: None. (0/11)

Pass: None. (0/11) (10/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Angerer made a motion to amend HB 4642 as follows:

1. Amend page 2, line 9, after **"EXISTENCE"** by striking out **"INCLUDE"** and inserting **"ARE"**.

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (10/11)

Nays: None. (0/11)

Pass: None. (0/11) (10/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Leland made a motion to report HB 4642 (H-1) with recommendation.

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (10/11)

Nays: None. (0/11)

Pass: None. (0/11) (10/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Kathleen Law made a motion to report HB 4643 with recommendation.

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (10/11)

Nays: None. (0/11)

Pass: None. (0/11) (10/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Sheltroun made a motion to amend HB 4644 as follows:

1. Amend page 2, line 3, after "**ACTION**" by striking out "**TAKEN**".
2. Amend page 2, line 3, after "**THAT**" by inserting "**IS INCONSISTENT WITH THE DISTRICT'S EASEMENT AND THAT**".
3. Amend page 2, line 6, after "**THAT**" by striking out the balance of the subsection through "**RIGHT-OF-WAY**" on line 9.
4. Amend page 2, line 25, after "**SAFETY**" by striking out "**WELFARE**".

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (10/11)

Nays: None. (0/11)

Pass: None. (0/11) (10/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Brown made a motion to amend HB 4644 as follows:

1. Amend page 2, line 3, after "**BOARD**" by inserting "**OR A STRUCTURE THAT IS PROPERLY ENGINEERED WHICH FALLS UNDER THE AUTHORITY OF A MUNICIPALITY OR STATE OR COUNTY ROAD AGENCY**".

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (10/11)

Nays: None. (0/11)

Pass: None. (0/11) (10/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Nitz made a motion to report HB 4644 (H-1) with recommendation.

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (10/11)

Nays: None. (0/11)

Pass: None. (0/11) (10/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Kathleen Law made a motion to amend HB 4688 as follows:

1. Amend page 3, line 18, after "district" by striking out "**OR**" and inserting "and".

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Ball. (9/11)

Nays: Representative Nitz. (1/11)

Pass: None. (0/11) (9/1/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Walker made a motion to amend HB 4688 as follows:

1. Amend page 5, line 23, after "**EXCEEDING**" by striking out "**800,000**" and inserting "**750,000**".

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (9/11)

Nays: None. (0/11)

Pass: Representative Byrum. (1/11) (9/0/1)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Sheltroun made a motion to report HB 4688 (H-1) with recommendation.

FAVORABLE ROLL CALL:

Yeas: Representatives Mayes, Angerer, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball. (8/11)

Nays: None. (0/11)

Pass: Representatives Byrum, Brown. (2/11) (8/0/2)

A sufficient number of members voting in the affirmative, the motion prevailed.

There being no additional business before the Committee, Chair Mayes declared the meeting adjourned, the time being 4:58 p.m.

Representative Jeff Mayes, Chair

Catherine Petroskey, Committee Clerk
(517) 373-8538